

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
)
GERALDINE JESSOP,) CASE NO. 10-45477-PGH (S.D. Fla.)
a/k/a GERALDINE MAGALNICK,)
)
) Debtor(s).) A08-8033-TJM
DAVID BUCKLEY, REX WELDON, JILL) 8:07CV254
SCHUNEMAN and LYLE BREHM, on)
behalf of themselves and collectively on behalf) CH. 7
of all others similarly situated,)
)
) Plaintiffs,)
)
vs.)
)
REBECCA ENGLE; BRIAN SCHUSTER;)
ENGLE & SCHUSTER FINANCIAL, INC.;)
AMERICAN CAPITAL CORPORATION;)
ROYAL PALM CAPITAL GROUP, INC.;)
GERALD PARKER; JOHN BOYCE;)
GERALDINE MAGALNICK;)
STARK WINTER SCHENKEIN & CO., LLP;)
and LIANA DOBARGANES HARRINGTON,)
)
) Defendants.)

REPORT & RECOMMENDATION

This matter is before the court on a referral from the United States District Court for the District of Nebraska. The portion of this case dealing with defendant Geraldine Jessop, also known as Geraldine Magalnick, was transferred from the district court to this court because Ms. Magalnick filed a Chapter 7 bankruptcy petition in Florida. The balance of the case, which has a protracted history in the district court, remains with the district court.

The automatic stay of 11 U.S.C. § 362 protects Ms. Magalnick from efforts to collect pre-petition debts. Therefore, I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding and stay any action against Ms. Magalnick unless and until the plaintiffs obtain relief from the automatic stay from the Florida bankruptcy court to pursue their litigation against her.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: December 6, 2010

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

David M. Gaba	Randall L. Goyette
David A. Yudelson	Gregory C. Scaglione
J. Daniel Weidner	James B. Cavanagh
John L. Spray	Derek C. Zimmerman
Matthew D. Karnas	Gerald Parker
Brian Schuster	John Boyce
Geraldine Magalnick	Colin A. Mues
W. Scott Davis	Liana Dobarganes Harrington
U.S. Trustee	